MINUTES OF HARRISONBURG PLANNING COMMISSION February 9, 2011

The Harrisonburg Planning Commission held its regular meeting on Wednesday, February 9, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes, Judith Dilts, Alan Finks, Deb Fitzgerald, Bill Jones and Henry Way.

Members absent: None.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with all members in attendance. He stated there are two sets of minutes for review and asked for approval of the minutes from the January 12, 2011 regular Planning Commission meeting and the Comprehensive Plan Review meeting.

Dr. Dilts moved to approve the minutes from the regular Planning Commission meeting.

Mr. Chenault seconded the motion.

Mr. Finks and Mr. Way abstained from voting because they were not in attendance at the meeting.

All voted in favor (5-0) of approving the minutes from the regular Planning Commission meeting.

Chairman Jones asked for a motion on the January 12, 2011 Comprehensive Plan Review meeting.

Mr. Chenault moved to approve the minutes.

Dr. Dilts seconded the motion to approve.

Mr. Finks and Mr. Way abstained from voting because they were not in attendance at the meeting.

All voted in favor (5-0) of approving the minutes from the Comprehensive Plan meeting.

New Business

Ordinance Amendment – 10-3-48.6 (b) and (c)

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said after last month's discussion on Velocity Property Group's the Angle project, staff has drafted amendments for Section 10-3-48.6 to allow for flexibility in the design of multi-family developments on sites such as that confronted at the intersection of Foley Road and Ridgeville Lane. The Angle proposal is somewhat of a "perfect storm" scenario to describe why such amendments may be necessary.

With an approved special use permit, the Angle, being situated within what the Zoning Ordinance defines as an established single family and duplex neighborhood, would be required to locate all parking lots/garages to the rear or side of buildings and have building facades face a dedicated public street or the limits of a private parking unit. As was discussed last month, although it may be achievable, designing such a project is difficult and burdensome.

Two amendments are proposed to allow R-3, special use permitted developments, with multiple street frontages, to have less stringent controls. The proposed amendments to Section 10-3-48.6 (b) and (c) are shown below:

- (b) Off-street parking regulations for all buildings and uses permitted in this district are governed by article G. When an off-street parking lot/garage containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking lot(s)/garages shall be located to the rear or side of buildings shall not be located between principal buildings and a public street, unless the parcel has multiple public street frontages, and shall be screened from the public street(s) by the principal buildings or by landscaping or walls. When an off-street parking garage containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking garage shall be located to the rear or side of principal buildings and screened from the public street(s) by principal buildings or by landscaping or walls. The parking garage cannot be located between principal buildings and public streets. Where such parking lots/garages abut single-family detached or duplex lots, they shall be screened from such lots by landscaping, fences, or walls. An adequate screen shall be a minimum five-foot wide buffer area containing the following: (REMAINDER OF SECTION TO REMAIN)
- (c) More than one (1) principal building may be constructed upon an unsubdivided parcel of land as density allows. The open space between each building as measured at the closest point between building walls shall not be less than thirty (30) feet. The minimum separation between buildings may be superseded by building regulations. The front façade of each principal building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street, unless the parcel has multiple public street frontages where rear façades may front one (1) public street.

It should be understood that both amendments must take place as they work collaboratively. In brief, the amendments give developments more flexibility related to where parking lots can be located and also to how façades of units can be positioned on properties that have more than one principal building on a parcel. The 10-3-48.6 (b) amendment only pertains to developments located within an established single family detached or duplex neighborhood on parcels having multiple public street frontages. As with the current regulations, developments that are not located in such neighborhoods do not have to meet the additional location and buffering controls.

Staff separated the controls of where parking lots and parking garages can be located, in (b), for a couple of reasons. First, notwithstanding the intent to why the current regulations exist, using the parcel at the intersection of Foley Road and Ridgeville Lane as an example, if someone were to build townhomes on individual parcels on this property, a parking lot could be located adjacent to the public street. This is because townhomes are not bound by the requirements of (c), where units must face a dedicated public street or the limits of a private parking unit. Thus, a townhouse development could meet the controls as specified in (b)—parking lots to the rear or side of buildings—and be built, by right. Understanding the reality of that situation, allowing parcels that have multiple street frontages to locate parking lots adjacent to public streets is arguably justifiable.

The amendments separate parking lots and parking garages because, in these situations, parking garages would be considered accessory buildings. Accessory buildings are permitted by right; however, as regulated in Section 10-3-114, in residential districts, accessory buildings may only be built in rear yards and cannot be located between a principal building and a public street. Staff believes there is merit in such regulations and they should be maintained for developments such as this situation.

In closing, the proposed amendments should accommodate the Angle project at the intersection of Foley Road and Ridgeville Lane. Staff believes there is value in these amendments and supports their adoption.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of the amendment. Hearing none, he asked if there was anyone wishing to speak in opposition of the amendment. Hearing none, he closed the public hearing and asked Planning Commission for discussion or a motion.

Mr. Chenault moved to adopt the Zoning Ordinance Amendment. Staff has done a wonderful job of coming up with an amendment that embraces what Planning Commission was hoping it would do, and that is to provide some flexibility when dealing with irregular shaped lots.

Mr. Da'Mes asked if R-3 was the only applicable district for this amendment.

Mr. Fletcher replied yes. Not only is it applicable to just the R-3 Medium Density, but it is only with apartments that are constructed within an established single-family and/or duplex neighborhood as defined. If apartments are not being constructed within a single-family and/or duplex neighborhood, they do not have to meet the requirements. They are not required to do the additional landscaping, buffering and parking lot location requirements; therefore this does not apply to them at all. This amendment is only in situations where apartment units would be applying for a special use permit and where the development would have multiple street frontages. It should also be made clear that townhomes could do similar situations, such as this, by right; townhomes are not bound by subsection (c) because they do not have to have units facing a public street or the limits of a private parking unit.

Mr. Da'Mes seconded the motion to recommend approval.

Chairman Jones said there is a motion and a second; he then called for a voice vote on the matter.

All voted in favor (7-0) of the motion.

Chairman Jones said the motion to recommend approval of the ordinance amendment will move forward to City Council on March 8, 2011.

Preliminary Plat and Special Use Permit –10-3-48.4 (6) – The Angle (Velocity Property Group)

Chairman Jones read the next two requests and asked staff for a review of both items.

Mr. Fletcher said this brings back before us the two cases Planning Commission heard last month. I do not want to spend a lot of time talking about them in great detail, but I do want to go through the slides again, quickly, for those Commissioners that were not in attendance last month and to remind the rest of us of the issues before us.

He continued by saying the preliminary plat is exactly the same and the recommendation is the same. The applicant is requesting to preliminarily subdivide two properties located in the southeastern portion of the City at the intersection of Foley Road and Ridgeville Lane. Both properties are zoned R-3, Medium Density Residential District. The applicant would like to remove the dividing lot line to establish a 0.68-acre piece of property to potentially allow for the construction of nine apartment units. (A special use permit requesting the allowance for multi-family units will immediately follow this request.) The subdivision is a preliminary plat because the applicant is requesting variances from the Subdivision Ordinance.

Although the proposed request is only vacating a property line, the Subdivision Ordinance defines such action as a "subdivision," thus the applicant must fulfill all obligations as specified in that part of the City Code. Due to the shape of the lot caused by the intersection of Foley Road and Ridgeville lane, and because of the topography of the area, the applicant is requesting four variances. The variances are associated with the requirements to dedicate right-of-way and the obligations to construct street

improvements when subdividing property. The first variance request is from Section 10-2-41, which specifies design standards for streets and alleys. Specifically, sub-section (i) (3) of that section denotes that minor streets, such as Foley Road and Ridgeville Lane, shall have a right-of-way width of 50-feet. The second request is to deviate from Section 10-2-45, which requires the applicant to dedicate all land designated for future street widening. The third request is from Section 10-2-66 that states street improvements shall be provided with each new subdivision in accordance with standards and specifications of the City. These improvements could include pavement, curb, gutter, sidewalk, storm sewer, and/or other enhancements. The final variance is to deviate from Section 10-2-67, which requires the subdivider to finance all street improvements that are required per Section 10-2-66, at their own expense.

The above mentioned sections of the Subdivision Ordinance work collaboratively to require developers to dedicate right-of-way and build the required street improvements to ensure City streets are constructed and improved for the benefit of all citizens. This is not the first application that has requested the same four variances. Some Commissioners may recall the application from Scott Kettelkamp during the spring of 2009, where he proposed to develop three townhomes along Norwood Street. Ultimately, City Council approved his variance requests; one can see this development being constructed today.

Neither Foley Road nor Ridgeville Lane has the required amount of right-of-way for minor streets; as a result, almost all subdivisions along these streets must dedicate right-of-way on their side of the street to help establish the required 50-feet of right-of-way. The right-of-way is variable along both streets—measuring from as little as 35-feet to as wide as 47-feet. The streets' widths are closer to 50-feet where other subdivisions have occurred, where the subdividers dedicated the right-of-way during their subdivision processes. Examples include Wishing Well Estates Subdivision and Tamarack Townhomes, both along Ridgeville Lane, and Foley Road Townhomes located on Foley Road. Those developments also built street improvements per the City's requirements at their time of construction. Not every development dedicated the required amount of right-of-way, however. Immediately adjacent to the east of the subject property, Scott and Mendy Miller built a duplex along Ridgeville Lane. Instead of dedicating right-of-way, in 2005 the City allowed the Miller's to dedicate a five-foot easement to the City, where the easement grants the City the permission to use that property's frontage to construct street improvements, when necessary.

For this subdivision, the applicant is dedicating the required five-feet of right-of-way along Foley Road and is also building the required street improvements. In this case, they will provide street widening, curb, gutter, and sidewalk. They would also cost-share with the City to install the appropriate infrastructure to help control stormwater. The variance requests come into play for the Ridgeville Road frontage. As noted above, due to the property's shape caused by the intersection of the two streets, the applicant is requesting to not dedicate the required right-of-way. The developer is also requesting to not build the street improvements. Similar to the Miller's development, the applicant has proposed to dedicate a five-foot easement to the City for future improvements. Because of the unusual and difficult layout of the intersection of the streets, and due to the topography of the area and the uncertainty of the most appropriate design of this stretch of the street and how it should intersect with Foley Road, staff believes the variance requests are justifiable. Staff believes street improvements to this section of Ridgeville Lane and to the intersection should be comprehensively evaluated and constructed.

Staff recommends supporting the variance requests, as presented and described, from Sections 10-2-41 (i) (3), 10-2-45, 10-2-66, and 10-2-67.

Mr. Fletcher added that concurrently, with the separate preliminary plat application requesting four Subdivision Ordinance variances, the Velocity Property Group is requesting a special use permit per Section 10-3-48.4 (6) to allow for the construction of multi-family units on the corner properties at the intersection of Foley Road and Ridgeville Lane. The developer plans to construct nine townhouse-like apartment units on little more than half of an acre.

The submitted layout illustrates two buildings; one, five-unit structure fronting Ridgeville Lane and one, four-unit structure, where the front of the units face the adjoining properties to the east. One ingress/egress would be provided from Foley Road. Due to the topography of the site, the units would be built into the hillside—meaning the front of the units would reveal two stories while the back of the buildings would expose three stories. There would be 24 parking spaces, which is one additional space than the required minimum. Each unit would have a one car garage counting toward the total required parking spaces.

If the ordinance amendments to Section 10-3-48.6 (b) and (c) are approved, the layout's parking configuration would meet the requirements of the Zoning Ordinance because the property has multiple street frontages. As required, vegetative screening would be provided along Foley Road and adjacent to the eastern property boundary. The submission also contains landscaping details including deciduous street trees planted at two inch caliper every 50 feet, and small, ornamental trees, at six-foot minimum height during planting as shown on the submitted layout. Additional hedges and shrubbery would also be provided as illustrated.

As described in the preliminary plat staff report, the developer would dedicate five-feet of right-of-way and construct improvements along Foley Road including street widening, curb, gutter, and sidewalk. They would also cost-share with the City to install the appropriate infrastructure to help control stormwater. No street improvements would occur along Ridgeville Lane.

As part of the requirements for obtaining a special use permit to build multi-family units in the R-3 district, an applicant must substantiate that they have met several conditions to justify the development. Although this development satisfies some of the conditions as described in the Zoning Ordinance Section 10-3-48.6 (e), staff does not believe the proposal demonstrates all of the necessary characteristics that warrant its approval.

Subsection (3) particularly emphasizes the importance that the development's design be compatible with adjacent existing and planned single family, duplex, and townhouse development. Although we appreciate the applicant's intent to use "high quality construction" and to be "eco-conscious," we do not believe compatibility has been achieved. Architecturally, the design of the units is contrary to the residential character of the neighborhood. Staff recognizes the objective of the applicant to build a product that is "contemporary," but the character of these units is out of place in this neighborhood and would be befitting of a more urban setting.

Perhaps more importantly, the density of the proposed development is not compatible with the surrounding area. Currently, the property is 29,810 +/- square feet; after the dedication of right-of-way per the plat variance submission, the property would contain 28,244 +/- square feet. If approved, the lot area would permit a maximum of nine apartment units, which is what is proposed. Staff, however, views the final composition of the lot area differently than the developer. As described in the preliminary plat application staff report, the subdivision of the property requires the applicant to dedicate right-of-way along both street frontages, but the applicant is not dedicating property along Ridgeville Lane, which staff supports, but not to allow for an increase in density. By allowing the applicant to dedicate an easement instead of dedicating the property for street right-of-way, the retained square footage allows

the applicant to build a ninth unit, maximizing, and in staff's opinion, compounding the density on this small property. Staff does not believe it is in this neighborhood's best interest to grant the special use permit.

Staff recognizes that allowing this development would provide this neighborhood with a few street enhancements and potentially improve some of the existing stormwater issues. However, staff does not want to give up the City's planning initiatives and ideals to gain those improvements nor do we want to set a precedent of maximizing density and permitting architectural incongruity to this or any neighborhood in the City. Although staff supported the preliminary plat variances request, staff does not support this special use permit and recommends denial of this application.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant if they would like to speak.

Mr. Hans Harman said he is with Velocity Property Group. Just to make everyone aware, I would like to disclose that I am not the owner of the current property; but, I am the owner's proxy, as I have the property under contract to purchase. I am happy to answer any questions. I believe you all are very aware of this project and the details presented with this project. I really enjoy my profession and job. In a developer role, I think, sometimes, we get a little bit of a bad reputation as someone who tries to use and abuse the system and I do not feel that is the case at all. We (Velocity Property Group) are a community partner, we have been here for over fifty years and the last thing that I want to do is tarnish my name or my family's name and reputation, because I want to be here fifty years from now. I would be happy to answer any questions you may have.

Mrs. Fitzgerald said we have read through the material and seen the presentation a couple of times and it seems to me that one of the major issues of controversy is in the staff report where they say "we do not believe compatibility has been achieved", architecturally. We also received a petition from the neighborhood which says "the repetitive cuboid façade is glaringly incompatible with the traditional architecture of the rest of the neighborhood". I thought I would give you the opportunity to respond to these statements. I feel it is sort of a judgment call; it is an aesthetic judgment rather than talking about square footage or something along those lines.

Mr. Harman said let's talk about fact for a moment, because architectural compatibility is a very subjective thing. There is no Home Owners Association (HOA) in this neighborhood; there is no Architectural Review Board (ARB); nothing that says a certain percentage of the façade needs to meet a standard. All the people that have built in the neighborhood have the same sort of rules. Compatibility is very subjective and I thought I showed that pretty clearly last month in my presentation. The neighborhood is a "sampler platter," so to speak, of properties, genres, and ages. How to be compatible with that is difficult, I am not really certain how to achieve that; and honestly, I am not certain that I want to achieve that. I do not want to put an "ugly duckling" in this area, my name is behind this project and I believe it is something that people's pallet and tastes desire.

Mr. Finks said it is certainly obvious that you are making an attempt to put something there that is very nice and I am always glad to see that. The one thing that concerns me is that we often see this very thing, where neighborhoods are a real mixture and we have tried to remedy that situation to a degree. What happens is we like a project, and the developer is a nice guy, and we want to make an exception for him. But once we make that exception, we have to live with it and is there any remedy for that.

Mr. Harman said that is a strength in my opinion. That is what our Country was founded on; the fact that I have the opportunity to manage my business and develop my product around the brand that I want

to create and if my neighbor wants to do something different that is fine. That is the beauty of a free market economy.

Dr. Dilts said the issue about the easement and having nine units versus eight; does it make it fiscally impossible to go down to eight units?

Mr. Harman replied that it certainly challenges the situation. I think the answer here is simply this is a difficult piece of property. It is a peculiar shape, it has a grade, and if you look at density of other structures in the neighborhood, for instance the six unit apartment complex across the street, they are all maximized density. Each one has maximized the density of their property. In this case, it is an odd ball and compounding the situation even further is the fact that curb and gutter cost money; stormwater management measures cost money; widening the street cost money. So to answer your question, yes, it does make a difference. Last month I discussed some of the very un-responsible paths that I could take regarding development of these parcels and not have to provide any City infrastructure. I could build the same roof area, the same size building, almost the same number of buildings and probably make more money; but, I do not want to do that. I want to build a quality product here that caters to quality people.

Chairman Jones asked if there were any further questions. Hearing none, he asked if there was anyone else wishing to speak in favor of the proposal. Hearing none, he asked if there was anyone wishing to speak in opposition of the proposal.

Ms. Shirley Hottinger, 753 Foley Road, said she lives right across the road from the property. I am not for this proposal, nor am I against this. I am here because I am very concerned about the water runoff. I get flooded as it is now, and development will make it much worse. Mr. Harman has spoken to me about obtaining an easement through my property. I am trying to sell my property now and I do not want things to get worse; it is bad enough now.

Chairman Jones asked if there was anyone else wanting to speak in opposition to the proposal. Hearing none, he closed the public hearing and asked Planning Commission for their comments or a motion.

Mr. Chenault said I would like to make a motion to recommend approving the preliminary plat with the requested variances and the special use permit. My reasons for this motion are: architectural compatibility – I understand staff's evaluation and I know the ordinance requires its consideration. I personally fail to find a unifying architectural theme in the neighborhood. One might argue that if you went to Copper Beach and plucked five of those units and brought them over to this location they might be architecturally more compatible with some of the housing units in this area. I think architectural compatibility is very subjective and I am not so sure it does not address more than just the physical appearance of the structures and goes to a deeper analysis of the quality of the buildings being constructed. Secondly, the density issue. It is a given, that as far as density is concerned, the applicant could probably accomplish the same density with a much less desirable character of development. To me that is not a good argument one way or the other; but, it is a fact. Furthermore, I think all special use permit considerations and variance considerations represent a trade-off of interests. I view the density issue as a trade-off for what I consider to be a higher quality type of development and structure; more so, than some of the developments and structures that we see in this particular neighborhood and area. Finally, Harrisonburg and Rockingham County are projected to be one of the fastest growing areas in the State of Virginia over the next five years and we are already seeing a significant number of projects in the works coming to Harrisonburg. Housing is going to be a need. Frankly, we do not have an overwhelming stock of what I would consider to be affordable, good, well constructed housing available. I see this type of development as, sort of, meeting that type of need; it is in the area of the

hospital and there will be more construction in this area. With that being said, I again move to recommend approval of the plat variance and the special use permit.

Mr. Fletcher said before we ask for a second on the motion, I would like to offer an amendment to the motion if I may. The special use permit should, technically, be conditioned to be permitted only if the ordinance amendment is approved.

Mr. Chenault agreed with including that condition on the special use permit.

Mrs. Turner reminded Planning Commission that there would need to be a separate vote on each matter, the preliminary plat variance request and the special use permit request.

Mr. Chenault said my motion is to recommend approval of the variances and I will wait to renew my motion on the special use permit.

Mr. Da'Mes said regarding the preliminary plat and not wanting to be repetitive or duplicating Mr. Chenault's sentiments, I will just simply add two things. First, in relation to a comparable project, in my tenure here, is the project off of Reservoir Street, on Norwood Street. I visited that site about two weeks ago, and met with the builder, he showed me the structure, which is about 75% complete right now. We had some of the same reservations about the architectural style, and so forth, of that development; but it always seems different when you see it in three dimensions, rather than two dimensions on paper. I really gained an appreciation for what that developer was trying to accomplish. That project is not too far off scale from what Mr. Harman is proposing. I would hope to think that the neighborhood would come around to think as I have after seeing the project surface.

Also, referring to the Zoning Ordinance, with regard to special use permits and compatibility under (Section 10-3-48.6) it says "Multiple-family development special use permits may be approved if the following conditions as determined by city council are met", number (3) "The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing single-family, duplex and townhouse development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages." They did not really answer the question on compatibility, so for me it is very subjective. I respect people's opinions on what is appropriate and what is not. But, at the same time, there is not a cohesive architectural plan in the area. So, with all that said, I would like to second the motion.

Chairman Jones said we have a motion and a second; he then asked for a roll call vote on the motion.

Dr. Dilts asked for clarification on what was being voted on.

Mr. Fletcher replied the four variances for the preliminary plat.

Commissioner Chenault – yes

Commissioner Way – yes

Commissioner Finks – no

Commissioner Dilts – yes

Commissioner Da'Mes – yes

Commissioner Fitzgerald – yes

Chairman Jones – yes

Mrs. Banks said the vote is 6-1 in favor of the motion.

Mr. Chenault said now I renew my motion to approve the special use permit with the caveat that it be subject to the approval of the ordinance amendments.

Mr. Da'Mes asked to hear from Mr. Finks as to why he was in disagreement.

Mr. Finks said he stated why he was opposed, and the example used was Norwood Street. I do not care how pretty it is, they did things that may cause the City problems down the road. It will not be us sitting here then; but somebody will have to fight that battle we allowed. I am sure Mr. Harman has the best intentions; but why did we even worry about changing R-3 if we allow this - put it back in the statues as it was.

Chairman Jones said we have a motion, is there a second.

Dr. Dilts said there is a motion and it needs to be seconded so that it can be discussed and then voted up or down; therefore, I second the motion.

Chairman Jones asked if there was any further discussion.

Dr. Dilts said I would appreciate it if staff would talk a bit more about the easement and density. Let me tell you my understanding and you tell me if my thinking is correct. The property was 29,810 +/- square feet and by doing improvements and right-of-way along Foley Road it took the total down to 28,244+/- square feet. That amount of square footage is sufficient enough for nine units. But, an easement is provided along Ridgeville Lane, and the argument is that the easement actually should negate, in some effect, the ability to build nine units and allow only eight units.

Mr. Fletcher said yes, that is the angle of interpretation that staff drew. You are correct in your understanding. It should also be understood that the easement does allow more flexibility in design for setback. If you dedicate an easement, you still pull your required setback from the property line and not the easement line. So, there is that five foot flexibility of additional area where he can build.

Dr. Dilts said someday the City could take away or build in that easement, correct?

Mr. Fletcher responded if the City were to build improvements to the street the property owner would be compensated at that time for what the City took for right-of-way purposes. If the City took more property from Ridgeville Lane, it would put those buildings into non-conformance to setback regulations.

Dr. Dilts said it would also take away square footage regarding density.

Mr. Fletcher said it could become non-conforming to lot area requirements as well, that is correct.

Chairman Jones asked if there were any further questions. Hearing none, he asked for a roll call vote on the motion.

Commissioner Chenault – yes

Commissioner Way – yes

Commissioner Finks – no

Commissioner Dilts – no

Commissioner Da'Mes – yes

Commissioner Fitzgerald - no

Chairman Jones – yes

Mrs. Banks said the vote is 4-3 in favor of the motion to recommend approval. This will move forward to City Council on March 8.

Bicycle and Pedestrian Plan

Chairman Jones read the request and asked staff for a review.

Mr. Fletcher said the New Community Project (NCP), a faith-based non-profit organization that focuses on environmental sustainability and global justice, is requesting to amend the City's Bicycle and Pedestrian Plan to include the concept for an additional shared use path. The shared use path, referred to as the North End Greenway, would generally extend from the northern section of the City's downtown to the Eastern Mennonite University/Eastern Mennonite School area, mostly following the path of Blacks Run.

The amendments would occur in three places. NCP has proposed to include the North End Greenway within the "Goals to Complete Within 5 Years" table that begins on page 23 of the Bicycle and Pedestrian Plan. The text would appear as shown below:

	Facility Type	Approximate Distance (Miles)	Estimate Cost
North End Greenway – construct a shared use path approximately following Blacks Run from North Main Street near Johnson Street to Mt. Clinton Pike toward Park Road.	Shared Use Path	1.6	\$1,023,277

The general layout of the path would also be appropriately illustrated on the Bicycle Facilities Map and the Pedestrian Facilities Map. (The existing Bicycle and Pedestrian Plan has been provided within the packet for your reference.)

As described in the table above, the path is planned to follow the course of Blacks Run, but more specifically it could extend—south to north—from North Main Street at its intersection with Johnson Street and northward crossing West Washington Street and Madison Street. It would continue westerly along the undeveloped right-of-way of Monroe Street, where it would utilize the Brookside Park recreation area within an easement that has already been dedicated to the City. It would then cross North Liberty Street and continue northward on the largest private property owner's property (Harman Development Inc.) to Mt. Clinton Pike. Once the path reaches Mt. Clinton Pike it would cross the intersection of Virginia Avenue onto property owned by Eastern Mennonite High School. From this point it could extend in one of several different directions to ultimately reach Park Road. (Within the packet of information, the requestors have provided aerial photographs illustrating this potential layout.)

It should be understood that the Commission is not considering the specifics of the layout or any of the related construction details that you will view in the packet, but rather just the concept as described in the above table and as shown on the maps.

The Commission shall note that the existing Bicycle and Pedestrian Plan includes numerous recommended projects. Approving the amendment essentially adds the North End Greenway to the list. However, unlike other projects in the Plan, this concept is being actively pursued by NCP. NCP is

leading the charge to make this path a reality. They have already partnered with Johann Zimmerman, a local engineer, to design the trail, and they have initiated a process to begin receiving funds.

It is NCP's hope that once the path is constructed, the City will take ownership and provide long-term maintenance. Amending the Plan to include this concept acknowledges the City's support to have such a trail in the lasting components of an efficient transportation network including modes of transportation other than traditional roads and vehicles. It does not mean the City has a financial obligation to build the trail or to maintain it. Nevertheless, amending the Plan allows the City to embrace its concept, provide funds—if it chooses, and to include it within the overall transportation network.

The North End Greenway has been extensively discussed within the Bicycle and Pedestrian Committee, that Committee's Advisory Committee (which includes planning staff), and with the Transportation Safety and Advisory Committee (TSAC). In fact, members of the TSAC are present to publicly endorse their support to City Council for this concept.

Staff supports the proposed amendment.

Chairman Jones asked if there were any question for staff.

Mr. Da'Mes said as far as the priorities list, where would this lie within that list?

Mr. Fletcher referred the question to Thanh Dang, Public Works Planner.

Ms. Dang said this is within the five-year plan. If you recall the Bicycle and Pedestrian Plan is broken into a two-year priorities list and a five-year priorities list, and then we have the "wish list" items that we broke-down into –high, -medium, and –low; this would fall into the five-year priority list.

Mr. Da'Mes said in terms of cost per foot, this seems like a relatively low cost compared to some of the other pathways; is that correct.

Ms. Dang replied it is comparable. Right now we are working on the Blue Stone Trail and we are finding that the costs are going up. This trail is comparable as to length of trail with the Blue Stone Trail, especially with some stream crossings involved with each trail.

Mr. Da'Mes asked if the railroad crossings would be skewed or perpendicular?

Ms. Dang replied that the design details had yet to be determined; but we envision that it would have to be a straight, 90 degree crossing. But as stated in the staff report, this is just an amendment to put this concept within the Bicycle and Pedestrian Plan. Staff will be working with NCP, who is taking the lead on the design.

Mr. Da'Mes asked if there has been any feedback from Eastern Mennonite University (EMU) in terms of the right-of-way they are allowing.

At this time Mr. Jacob Zumfelde, an intern working with NCP on this concept, and Mr. Tom Benevento, coordinating with NCP, came forward to discuss their conversations with EMU

Mr. Zumfelde said in discussions with EMU, they have expressed an interest in having this connect into existing paths, including one that they are putting in behind the turf field. Another area that was not shown is Park Woods, an area north of Park Woods Road, which is also part of the campus. There would be various ways of doing this trail. I do not perceive EMU desiring an easement with the City on their property, which is what we are discussing with other property owners. EMU is very interested in having this connect to paths on campus and allowing users to access the trail through their property.

Mr. Benevento added that EMU sees this as a major asset to the University and what it promotes for their students, particularly incoming students. I also want to add that we have talked to about 99 percent of all of the land owners along the trail route and there has been all positive support.

Mr. Fletcher asked if the cost included estimates for acquiring right-of-way.

Mr. Benevento replied yes, it does. That is why the price is at that level, because we incorporated the costs for easements per square foot.

Mr. Finks said do we think we may run into the problem of having to condemn property in order to obtain an easement?

Mr. Zumfelde said there is one area that goes near a building, which makes it questionable as to whether the building could stay; but, that is at the very extreme of the route. The suggestion would be if there were such significant hurdles, the route would be stopped earlier or taken another direction. So, no, the plan is not to condemn.

Mr. Finks said thank you; that is what I wanted to hear.

At this time Chairman Jones opened the public hearing and asked if there was anyone wishing to speak in favor of the request.

Mr. Hans Harman said he represents the largest private property owner involved with this project. I am very supportive of this as a part of the Comprehensive Plan or whatever. When Tom and Jacob approached us, we loved the idea. I was privileged to live in a community for five years that had a fantastic network of pedestrian and bike pathways; I utilized it often. I think this is a fantastic project and I applaud these folks for making it happen on their own time; it will make our community a better place. Hopefully, you will recognize this as well. I might be speaking a little out of turn, but, as far as right-of-way and easements, we have 20 acres and would like to pledge that at no charge to the City of Harrisonburg. You might see me back here at some point, looking at using this land in a little different light than how it is currently looked at, should this project come to fruition. I think this is a game changer, it is putting infrastructures in the City, and maybe you'll see me back here again saying "hey, because this pathway is here, perhaps we should look at this property in a different way; maybe be more creative with its use." Therefore, I am very supportive of the idea.

Chairman Jones asked if there was anyone else wishing to speak in favor of the request.

Jacob Zumfelde said this is not just a connection path for the Park View Neighborhood and Downtown; it is also an asset for the neighborhoods that it travels through. Many are low income neighborhoods, a point that I wanted to make because that is an important part of the work of NCP in Harrisonburg.

Chairman Jones asked if there was anyone else wishing to speak in favor of the request. Hearing none, he asked if there was anyone wishing to speak in opposition of the request. Hearing none, he closed the public hearing and asked Planning Commission for any discussion or a motion.

Mr. Chenault moved to recommend approval of the amendment to the Bicycle and Pedestrian Plan. It is an incredible project, it is do-able, and if there is any group that can work with the City and get it done, it is the NCP. One element of this trail that is particularly sustainable is the fact that, like the Bluestone Trail, it is not just there for recreational purposes. It serves a truly human purpose of being able to transport people to and from work; to and from the grocery store; and more. There are also a lot of folks in these neighborhoods that choose to travel by bicycle, as opposed to automobile, and this is a great project for them. I have enjoyed working with everyone involved. I think it is appropriate to include it in the five-year plan; but, that does not mean we will not get to it sooner.

Mrs. Fitzgerald seconded the motion.

Chairman Jones asked for a voice vote on the motion to recommend approval.

All voted in favor (7-0) of the motion to recommend approval of the amendment to the Bicycle and Pedestrian Plan

Chairman Jones said this will move forward to City Council on March 8th.

Mr. Bill Blessing, Chairman of the Transportation Safety Advisory Commission (TSAC), said he wanted to add that the TSAC is strongly in favor of adding this amendment to Bicycle and Pedestrian Plan and we will be making that recommendation to City Council. There is a great value in having projects like this as part of that plan, because, from a safety perspective, we need to make sure that everything is done on a uniform basis. Our dream is to provide connections, all over the City, for both bicyclist and pedestrians; and we do not want that done in an independent, hap-hazard manner. Having the Bicycle and Pedestrian Plan, where our City staff can oversee and make sure that things are done the right way.

I also want to say that we will be recommending to City Council a couple of other items in connection with this and we ask for your support in making these recommendations. One is that we want to make sure that the NCP designers continue to work with Public Works staff. We will be asking Council to direct the developers to continue working closely with staff, particularly in the areas of the street crossings along Mt. Clinton Pike, Virginia Avenue, Jefferson Street, and others. Safety is our concern and those are areas where we want to make absolutely certain that those crossings are done correctly, and in the most safe way.

We will also be asking City Council to make sure that the Crime Prevention Through Environmental Design (CPTED) is used during the design and development of the trail. We are going to be setting a precedent with this trail, because, there will be other trails that we eventually do and we do not want these trails to become sloppy, ugly, and unsafe. We have an opportunity to do some good stuff with this trail.

Finally, we want to make certain that the City is prepared, from a maintenance and enforcement effort, for this project. Therefore, we will be recommending that City Council direct City staff to have prepared a maintenance and enforcement plan. Again, we asked for Planning Commission's support as we go forward with this. Thank you for your time.

Mr. Finks said thank you Mr. Blessing. I would like to say that for many, many years the City looked the other way when it came to sidewalks and bicycle paths. Thank you all, for bringing it to the forefront.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mr. Fletcher said the proactive zoning inspectors visited the Reherd Acres neighborhood section of the City this month. There they found nine violations consisting of inoperable vehicles and discarded materials. Next month they will visit the Route 33 West area of town.

Other Matters

Mr. Fletcher said he wanted to bring up for discussion the Planning Commission tour day and time. What are your thoughts on a day or time change? The available times emailed in by some of you were all over the place, there was not a time or day that fit for everyone.

Mrs. Fitzgerald suggested leaving it as it is.

Mr. Fletcher said to be quite honest, the Tuesday at 2:30 P.M. time is not working out either. As we discussed last month, Monday and Tuesday before the meeting are really our only two days for this. If we have a new suggestion, we are completely open to it.

Mr. Way asked if there was one day that looked better.

Mr. Fletcher said that Tuesdays appear to be "dead in the water" for at least three of you.

The suggestion of 4:30 P.M. on Monday before the meeting was agreed upon by all the Planning Commissioners.

Mr. Fletcher said we will start this in April and I will send out a reminder.

Mr. Fletcher reminded everyone that next month Planning Commission would be looking at the Urban Development Area (UDA) recommendations to be included in the Comprehensive Plan. Then on March 23 at 7:00 P.M. until 9:00 P.M. is the Comprehensive Plan public input meeting at the Lucy F. Simms Center for Continuing Education. Also, at next month's meeting we will have an ordinance amendment proposal with a special use permit to increase the heights of fences in residential districts.

Mrs. Turner said in fact, I have some discussion regarding that amendment request. When someone makes an ordinance amendment request they pay the advertising cost; but, in some cases, like the one that occurred with Mr. Harman's development, there is no cost involved, because Planning Commission told staff that you felt an amendment may need to be addressed. The City then absorbs the cost of the advertisement. In discussing the ordinance amendment with the applicant's attorney, it was a question that their attorney asked us to bring to your attention, to see if you felt strongly one way or the other. Right now, our ordinance only allows fence heights in residential areas of six foot. The attorney asked if anyone here has ever had an inclination to initiate that amendment on the behalf of Planning Commission instead of the applicant. I offered that staff would bring it up at Planning Commission.

Dr. Dilts said she had no inclination to initiate an ordinance amendment to raise the height limit on fences in a residential area. All members of Planning Commission agreed with that statement.

Adjournment

The meeting was adjourned at 8:10 P.M.		
Chairman William L. Jones, Jr.	Secretary, Alison Banks	